

**IN UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

IN RE: BEXTRA AND CELEBREX
MARKETING AND SALES PRACTICES
AND PRODUCT LIABILITY LITIGATION

MDL Docket No. 1699

Judge Charles R. Breyer

EVELINA ANDERSON, et al.,

Plaintiff,

STIPULATION AND ~~PROPOSED~~
ORDER OF DISMISSAL
WITHOUT PREJUDICE

v.

CASE NO. 3:06-cv-2081-CRB

MONSANTO COMPANY, et al.,

Defendants.

IT IS HEREBY STIPULATED AND AGREED by and between counsels for the Plaintiff and counsel for the Defendants that the Complaint of Plaintiff **Allan Smith** is hereby dismissed without prejudice.

1. Plaintiff is Allan smith; defendants are Pfizer, Inc., Pharmacia Corporation, Monsanto Company, and G.D. Searle L.L.C.;
2. On August 24, 2005, Plaintiff sued Defendants;
3. Plaintiff moves to dismiss his claims against Defendants;
4. Defendants have not answered these claims;
5. This case is not a class action;
6. A receiver has not been appointed to this action;
7. Plaintiff has not dismissed an action based on or including the same claims as those present in this suit.

8. Should Plaintiff or a representative of Plaintiffs attempt to re-file his claims against Defendants, he shall do so only by filing said claims in Federal Court.

Respectfully submitted:

Dated: 9/22/06

By: [Signature]
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Dated: 9/25/06

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Defendant's Liaison Counsel

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: Sept. 27, 2006

Honorable Charles R. Breyer
United States District Court

